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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of)	
EDWARD MALCA, D.M.D.)	Administrative Action
Licensed to Practice Dentistry)	CONSENT ORDER
in the State of New Jersey)	
_____)	
	:	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a patient complaint from Jerry Cohen concerning dental treatment performed by the respondent consisting, in pertinent part, of the fabrication of two crowns on teeth #30 and #31, and particularly alleging that the two crowns had an open margin and inadequate retention requiring replacement. In addition, the complaint alleged that respondent permitted an unlicensed assistant to recement a temporary crown for this patient notwithstanding that she had no license or authority to perform this procedure. The Board reviewed the entire record in this matter consisting of the patient charts, records of subsequent treating dentists, and information provided by the respondent and his counsel.

It appearing that the parties are desirous of resolving this matter without recourse to formal proceedings, and without any findings or admissions of wrongdoing, and for good cause shown;


IT IS ON THIS 3rd DAY OF June, 1993,
HEREBY AGREED AND ORDERED THAT:

1. Respondent shall make restitution to the patient for fees charged in connection with the two crowns by submitting one certified check or money order made payable to Jerry Cohen in the amount of \$250.00 and one made payable to Connecticut General Insurance Co. in the amount of \$642.00 to the State Board of Dentistry at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, no later than the first day of the month following the entry date of this Order. In addition, respondent shall waive the balance due of \$186.00 on the account of Jerry Cohen for the two crowns.

2. Respondent is hereby assessed a civil penalty in the amount of \$2,500.00 in relation to the allegation that he permitted an unlicensed assistant to perform a dental procedure in his dental practice which was not authorized by law. Said penalty shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board of Dentistry within thirty (30) days of the entry date of this Order.

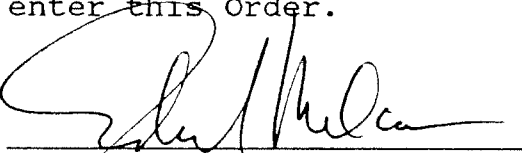
3. Respondent shall not permit any unlicensed assistant to perform any acts which are not authorized and permissible pursuant to The Dental Auxiliaries Act, N.J.S.A. 45:6-48, et seq., and the Board's regulations, N.J.A.C. 13:30-2.1, et seq. A Board of

Dentistry chart which demonstrates with an "X" the duties which may be permissibly delegated to dental auxiliaries is attached hereto and is made a part of this Order by reference.



Jerome Horowitz, D.D.S.
President
State Board of Dentistry

I have read and understand the within Order and Agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.



Edward Malca, D.D.S.

DELEGABLE FUNCTION		EXF	RDH	RDA	DA
1.	Polish amalgam restorations.	X			
2.	Remove excess cement from crown and orthodontic bands (by hand or mechanical instrument)	X			
3.	Fabricate athletic mouth guard appliances.	X	X	X	
4.	Apply pit and fissure sealants.	X			
5.	Perform a complete prophylaxis including removal of all hard and soft deposits from all surfaces of human teeth to the epithelial attachments, polish natural and restored teeth, root planing, and curettage as part of the prophylaxis.	X	X		
6.	Provide prophylactic and preventive measures such as the application of fluorides and other recognized topical agents for the prevention of oral disease and discomfort.	X	X		
7.	Examine soft and hard tissue of the head, neck and oral cavity, note deformities, defects and abnormalities.	X	X		
8.	Place and remove rubber dams.	X	X	X	
9.	Place and remove matrices and wedges.	X	X	X	
10.	Place temporary sedative restorations.	X	X	X	
11.	Remove excess cement from crowns or other restorations and orthodontic appliances.	X	X	X	
12.	Remove sutures.	X	X	X	
13.	Fabricate and cement temporary crowns and bridges after preparation of tooth (teeth) by a dentist. This does not include intra oral occlusal adjustments.	X	X	X	
14.	Take impressions for diagnostic models and models to be used as counters for fixed and removable prostheses.	X	X	X	
15.	Place amalgam and gold foil in a tooth for condensation by the dentist.	X	X	X	
16.	Place and remove retraction cords and medicated pellets.	X	X	X	
17.	Perform bite registration procedures to determine occlusal relationship of diagnostic models only.	X	X	X	
18.	Place and remove periodontal dressings and other surgical dressings.	X	X	X	
19.	Trial size (pre-select) orthodontic bands, wires, stainless steel crowns and temporary crowns intra-orally.	X	X	X	
20.	Prepare teeth for bonding not to include prophylaxis.	X	X	X	
21.	Remove arch wires and ligature wires.	X	X	X	
22.	Make radiographic exposures as permitted by the Department of Environmental Protection.	X	X	X	X
23.	Provide oral health education such as but not limited to dietary analysis and clinical instruction in order to promote dental health.	X	X	X	X
24.	Apply topical anesthetic agents.	X	X	X	X
25.	Take and record vital signs.	X	X	X	X
26.	Retract patient's cheek, tongue or other tissue parts during a dental operation.	X	X	X	X
27.	Remove such debris as is normally created in the course of treatment during and after dental procedures by vacuum devices, compressed air, mouthwashes and water.	X	X	X	X
28.	Isolate the operative field, not to include rubber dam.	X	X	X	X
29.	Trial size (pre-select) orthodontic bands, wires, stainless steel crown, and temporary crowns on a diagnostic model.	X	X	X	X
30.	Analyze saliva and prepare smears.	X	X	X	X
31.	Take dental photographs.	X	X	X	X
32.	Assist a licensed dentist in the administration of nitrous oxide, provided the licensed dentist is physically present at all times during the procedure.	X	X	X	X

Revised May 1991